

## RESOLUTION 2013-29-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2012-07 TO ALLOW A TEXTILE GARMENT ASSEMBLING AND FINISHING BUSINESS TO BE LOCATED WITHIN AN EXISTING 6,770 SQUARE FOOT WAREHOUSE WITH AN ATTACHED 850 SQUARE FOOT SECOND STORY OFFICE AT 6218 MAYWOOD AVENUE, BELL, CA.**

### **A. RECITALS**

**WHEREAS**, Jesus Rojas, (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2012-07 described herein ("Application");

**WHEREAS**, the Application pertains to an approximate 7,050 square foot property on Los Angeles County Assessor's Parcel numbers 6318-019-036, more commonly known as 6218 Maywood Avenue, Bell, California ("Property");

**WHEREAS**, the Applicant requests approval of a Conditional Use Permit to allow Large Recycling Collection facility to be located within an existing 7,620 square foot warehouse and an attached 850 square foot office, pursuant to Bell Municipal Code, Chapter 17.28.020.51.f ;

**WHEREAS**, an environmental assessment form was submitted by the Applicant pursuant to pertinent City requirements. Based upon the information received and Staff's assessment, the project was determined not to have a significant environmental impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 210000 et seq.) and pursuant to Section 15301 of the CEQA guidelines, Title 14, Chapter 3 of the California Code of Regulation; and

**WHEREAS**, on July 17, 2013, the Planning Commission of the City of Bell concluded a duly noticed Public Hearing on the Application, and all legal pre-requisites to the adoption of this resolution have occurred.

### **B. RESOLUTION**

**NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:**

1. All of the facts set forth in the recitals, Part A of this resolution, are true and correct and are incorporated herein by reference.
2. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Bell
3. Upon independent review and consideration of all pertinent information and the information contained in the Notice of Exemption for the CUP, the Planning Commission hereby finds and determines that the proposed project is exempt from California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000

et seq.) pursuant to the Class 1 categorical exemption in Section 15301(a) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) in that the project involves the occupation of an existing building. The Planning Commission further finds that the proposed project will not result in direct or indirect significant impact on the environment. Accordingly, the Planning Commission adopts the Notice of Exemption and directs the Staff to file the Notice of Exemption as required by law.

4. Based upon substantial evidence presented to this Commission during the July 17, 2013 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
  - a) The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the garment finishing business within the existing building footprint, and will provide parking at the front of the property accommodating the use to the site.
  - b) The subject site has sufficient access to public streets and highways adequate in width and pavement type, to carry the quantity and quality of vehicular and pedestrian traffic expected to be generated by the proposed use. The subject site is located on Maywood Avenue which is an arterial street that can handle the minimal generated traffic for this existing facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Maywood Avenue.
  - c) The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint/stucco the exterior surfaces and add a layer of wainscoting to renew the appearance of the existing building.
  - d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Maywood Avenue. The proposed garment finishing business will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare in that the surrounding area is composed of other similar commercial including a wood milling business, a recycling center and automotive repair uses that will complement the proposed use.
  - e) The conduct of the proposed use is in compliance with the applicable provisions of the general plan of the City of Bell. The proposed use will be promoting economic stability through the provision of an additional service to patrons which will result in the diversification of the commercial base along the Maywood Avenue corridor.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2012-07, subject to the following conditions:

### **C. CONDITIONS OF APPROVAL**

1. That the property shall be maintained in accordance with:
  - A. The Applications and Exhibits thereto, "A" through "D" included in this report on file in the office of the Clerk of the City of Bell; and
  - B. All applicable laws, including, but not limited to, Bell Municipal Code and the Bell Zoning Code, Specifically Chapter 17, as the same exist as of the date of approval of this Application or as the same may hereafter be amended; and
  - C. All of the conditions of approval as set forth in this Conditional Use Permit No. 2012-07; and
2. That Jesus Rojas is the sole holder of this entitlement.
3. That the hours of operation will be limited to Monday through Saturday 8 a.m. to 5 p.m.
4. This Conditional Use Permit is subject to annual review by the appropriate City of Bell Department, including but not limited to Police, Building and Safety, Planning, Public Works, Finance, City Manager.
5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as marked in Bell Municipal Code section 17.96.170.
6. That any (i) substantial modification to a building or structure located on the property, or (ii) intensification of use so as to make the parking inadequate, as determined by the City Manager or designee, shall be referred to the Planning Commission for review and approval.
7. Applicant shall exercise best management practices to minimize any noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator shall work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, than this permit may be revoked by the Planning Commission.
8. That prior to the issuance of building permits the applicant will submit two sets of plans to the department of building and safety for plan check review and shall obtain approval of such plans by all agencies pertinent to the project proposal.
9. That all conditions of approval, as requested in writing by the Los Angeles County Fire Department, the Los Angeles County Health Department, and in compliance with the 2010 California Building Code, regarding but not limited to hazardous/flammable storage

of chemicals and/or materials, access, fire flow, and maximum occupancy requirements for the property shall be complied with or guaranteed prior to the issuance of building permits for improvements of the property.

10. That any graffiti placed on any building or structure located on the property shall be removed promptly after its placement; failure on the Applicant's behalf to remove such graffiti upon twenty-four (24) hours written notice shall empower the City to enter upon the property and cause such removal, or painting over, of said graffiti.
11. Parking as approved herein is non-conforming. Applicant will operate the site as follows to minimize parking impacts: (i) customers shall be invited to the site (ii) employees on the site shall be limited for six.
12. The site shall be restriped from the usable four to six marked parking spaces. No motor vehicles, commercial or otherwise, shall be parked on the property except in the proposed six marked parking spaces.
13. That all textures, materials, and colors utilized on exterior elevations of the building are subject to review by the City of Bell Architectural Review Board. The building will be improved with stucco with matching color on all elevations. The applicant shall provide cultured stone wainscoting, banding, decorative cornices and lighting as well as other design elements as approved by the Community Development Director. All approvals must be obtained prior to installation.
14. That the Applicant guarantees that there will be no deviation from the approved number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided.
15. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment.
16. That the Applicant agrees that all tenant improvements shall be in accordance with all necessary local, state and federal guidelines for handicapped access including, but not limited to the Americans with Disabilities Act, and the 2010 California Building Code.
17. That there shall be no public telephones located on the property except within an enclosed building. Building as used herein shall not include telephone booths.
18. All landscaping on the site shall be refurbished to include automatic irrigation systems at the direction of the Planning Department. The applicant shall submit a landscaping plan to be approved separately. No mature trees shall be removed without the permission of the Director of Community Development.
19. All debris and rubbish shall be removed from site.

20. That any signage shall require that a signage plan be submitted separately and approved by the Architectural Review Board, pursuant to the provisions outlined in the Bell Zoning Code.
21. The installation of exterior security doors, gates and window coverings, including but not limited to bars, grills, gates and overhead roll down doors, or any exterior mounted covering of any type, shall be prohibited.
22. The existing chain link gate and fence along Federal Alley shall be replaced with a new decorative wrought iron rolling gate.
23. The pilasters in the front yard shall be refurbished with new cultured stone and decorative cap stone as approved by the Community Development Director.
24. The existing wrought iron fence along Maywood Avenue will be refurbished.
25. The entire building shall be refurbished with stucco on all elevations. All elevations shall match in theme and color including the north and south elevations.
26. Tarps are prohibited from use as carports, patio covers, shade covers, and covers for outdoor storage in all front and side setback areas, rear yard areas, and over driveways and in parking and circulation areas.
27. Applicant shall observe all city noise standards at all times.
28. That the applicant and each of his agents, contractors, and subcontractors engaged in construction activities on the property shall obtain proper business and contractor's licenses from the City of Bell.
29. The location of all electrical panels and meters shall be approved by the City prior to installation. Electrical panels and meters are prohibited in the front yard setback. Electrical panels and meters shall be screened with landscaping as approved by the City.
30. The location of all backflow devices shall be approved by the City prior to installation. Backflow devices shall be painted and screened with landscaping as approved by the City. Backflow devices shall be located greatest distance possible from the property line.
31. Except as set forth in the conditions, development shall take place as shown on the approved site plans and elevations. Any deviation must be approved by the Director of Community Development before any construction occurs.

32. No exterior structural alteration or building color change, other than the colors or building treatments originally approved by this application, shall be permitted without the prior approval of the Director of Community Development.
33. Applicant shall agree to maintain the property and all related on-site improvements and landscaping thereon, including, without limitation, buildings, parking areas, lighting, signs and walls in a first class condition and repair, free of rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all Federal, State, County and local bodies and agencies having jurisdiction, at applicant's sole cost and expense. Such maintenance and repair shall include, but not be limited to, the following: (i) sweeping and trash removal; (ii) the care of all shrubbery, plantings, and other landscaping in a healthy condition and replacement of diseased or dead plant material with new material at an age similar to the material being replaced; (iii) maintenance of all irrigation systems in properly operating condition; and (iv) the repair, replacement and restriping of asphalt or concrete paving using the same type of material originally installed, to the end that such paving at all times be kept in a level and smooth condition.
34. All planning conditions of approval shall be printed as general notes on the front pages of the approved set of building plans.
35. Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office and that copies of said licenses and certifications shall be maintained on file with the City of Bell.
36. That the Applicant or a representative shall execute an Affidavit indicating that he/she is aware of all of the terms and accepts all the conditions imposed upon this Conditional Use Permit.
37. Applicant shall agree to defend, indemnify and hold harmless, the City of Bell, its agents, officers and employees from any claim, action or proceeding against the City of Bell or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Bell, its legislative body, advisory agencies, or administrative officers concerning the subject Application. The City of Bell will promptly notify the applicant of any such claim, action or proceeding against the City of bell and the applicant will either undertake defense of the matter and pay the City's associated legal or other consultant costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Bell fails to promptly notify the applicant of any such claim, action or proceeding, or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City of Bell. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Jesus Rojas.

ADOPTED this 17th Day of July, 2013

  
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Violeta Alvarez, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Aleshire, City Attorney

ATTEST:

  
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Janet Martinez, Interim City Clerk

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Janet Martinez, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell Planning Commission at its regular meeting thereof held on the 17<sup>th</sup> day of July, 2013 by the following vote:

AYES: Commissioners Romero, Saleh, Valencia, Vice-Chair Quintana and Chair Alvarez

NOES: None

ABSENT: None

ABSTAIN: None

  
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Janet Martinez, Interim City Clerk